

1 **H. B. 2337**

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3 (By Delegates M. Smith, L. Phillips and D. Campbell)
4 [Introduced February 13, 2013; referred to the
5 Committee on the Judiciary.]
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10 A BILL to amend the Code of West Virginia, 1931, as amended, by
11 adding thereto a new section, designated §61-2-31, relating to
12 creating the criminal offense of online impersonation for
13 purposes of harming, intimidating, threatening or defrauding
14 another person; providing criminal penalty for violation;
15 providing definitions; and providing that the offense is
16 supplemental to other laws.

17 *Be it enacted by the Legislature of West Virginia:*

18 That the Code of West Virginia, 1931, as amended, be amended
19 by adding thereto a new section, designated §61-2-31, to read as
20 follows:

21 **ARTICLE 2. CRIMES AGAINST THE PERSON.**

22 **§61-2-31. Unlawful impersonation over Internet; penalty;**
23 **definitions; supplemental to other laws.**

1 (a) Notwithstanding any other provision of law, a person may
2 not knowingly and without consent impersonate another person
3 through or on an Internet website or by other electronic means for
4 purposes of harming, intimidating, threatening or defrauding
5 another person.

6 (b) A person who violates subsection (a) of this section is
7 guilty of a misdemeanor and, upon conviction thereof, shall be
8 fined not less than \$250 and not more than \$1,000, or confined in
9 jail not more than one year, or both fined and confined.

10 (c) For purposes of this section:

11 (1) An impersonation is credible if another person would
12 reasonably believe, or did reasonably believe, that the defendant
13 was or is the person who was impersonated; and

14 (2) "Electronic means" includes, but is not limited to,
15 opening an e-mail account, registering a website domain name or
16 opening an account or profile on a social networking Internet
17 website in another person's name.

18 (d) This section is supplemental to any other provision of
19 law and does not preclude prosecution under any other provision of
20 law.

NOTE: The purpose of this bill is to create the offense of online impersonation for purposes of harming, intimidating, threatening or defrauding another person.

§61-2-31 is new; therefore, it has been completely underscored.